

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AMELIA HUNT,)
)
Plaintiff,)
)
v.) Case No. _____
)
21st MORTGAGE CORP.,)
)
Defendant.)

)

NOTICE OF REMOVAL

COMES NOW Defendant, 21st Mortgage Corporation (“21st Mortgage” or “Defendant”), and hereby gives notice of the removal of the above-styled action from the Circuit Court of Jefferson County, Alabama, to the United States District Court for the Northern District of Alabama, Southern Division. As grounds for its removal, 21st Mortgage avers as follows:

1. The named Plaintiff in this action is Amelia Hunt (“Hunt” or “Plaintiff”).

On December 18, 2011, Hunt filed this action in the Circuit Court of Jefferson County, Alabama, with civil action number CV-2011-904460.00, asserting state law claims arising out of the servicing of a loan. As required by 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Defendant are attached hereto as **Exhibit A**.

2. This Court has jurisdiction over this matter on the basis of federal question jurisdiction because, on January 31, 2012, Hunt filed an Amended Complaint which, for the first time, asserted a federal question. While the original Complaint filed on December 18, 2011 asserted only state law claims, the Amended Complaint filed on January 31, 2012 asserted claims under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”). This Court has jurisdiction over claims brought under the FDCPA and supplemental jurisdiction over the state law claims. *See* 28 U.S.C. §§1331& 1441 (federal question); 28 U.S.C. § 1367 (supplemental jurisdiction); 28 U.S.C. 1446(b)(3)(allowing for removal 30 days after an amended pleading indicating that the case is one which has become removable).

3. The action is timely removed because it is being removed within 30 days of Hunt’s filing of the Amended Complaint.

4. Notice of removal of the above-styled action has been given to the Clerk of the Circuit Court of Jefferson County, Alabama, and to Hunt under 28 U.S.C. § 1446(d). (*See Exhibit B*, attached hereto).

WHEREFORE, Defendant 21st Mortgage Corp. removes this action from the Circuit Court of Jefferson County, Alabama to this Court, pursuant to 28 U.S.C. §§1331& 1441.

/s/ R. Austin Huffaker, Jr.

R. AUSTIN HUFFAKER, JR. (ASB-3422-F55R)

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2012, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will send electronic notification of such filing to the following:

Wesley L. Phillips, Esq.
PO Box 130488
Birmingham, AL 35213-0488

/s/ R. Austin Huffaker, Jr.
OF COUNSEL